

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

**Bryan E. Glynn,**

Plaintiff,

v.

**Nick’s Cigar World, Inc.,**

Defendant.

No. \_\_\_\_\_

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

(Injunctive Relief Demanded)

(Jury Trial Demanded)

Plaintiff BRYAN E. GLYNN, by and through his undersigned counsel, brings this Complaint against Defendant NICK'S CIGAR WORLD, INC. for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff BRYAN E. GLYNN (“Glynn”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Glynn's original copyrighted Work of authorship.

2. Bryan E. Glynn is a photographer in the Tampa Bay area, providing professional photography services. Glynn also owns and operates twowheelobsession.com, a Motorcycle buyers guide, as well as cigarobsession.com, a blog where he photographs and discusses cigars.

3. Defendant NICK'S CIGAR WORLD, INC. (“NCW”) is a cigar shop. At all times relevant herein, NCW owned and operated the internet website located at the URL <https://nickscigarworld.com/> (the “Website”).

4. Glynn alleges that Defendant copied Glynn’s copyrighted Work from the internet in order to advertise, market and promote its business activities. NCW committed the violations

alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the NCW's business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in South Carolina.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, NCW engaged in infringement in this district, NCW resides in this district, and NCW is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. Nick's Cigar World, Inc. is a South Carolina Corporation, with its principal place of business at 2705 Highway 17 South, North Myrtle Beach, South Carolina, 29582, and can be served by serving its Registered Agent, Roger P. Roy, Jr., at 10409 N. Kings Highway, Myrtle Beach, South Carolina 29572.

### **THE COPYRIGHTED WORK AT ISSUE**

10. In 2017, Glynn created the photograph entitled “170711pr0001-Edit,” which is shown below and referred to herein as the “Work”.



11. Glynn registered the Work with the Register of Copyrights on January 21, 2017, and was assigned registration number VAu-1-318-564. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Glynn's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Glynn was the owner of the copyrighted Work at issue in this case.

#### **INFRINGEMENT BY NCW**

14. NCW has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, NCW copied the Work.

16. On or about September 22, 2023, Glynn discovered the unauthorized use of his Work on the Website. NCW used the Work to advertise a cigar that they were selling called “Private No. 1.”

17. NCW copied Glynn's copyrighted Work without Glynn's permission.

18. After NCW copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its regular business activities.

19. NCW copied and distributed Glynn's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Glynn's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. NCW committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Glynn never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

23. Glynn notified NCW of the allegations set forth herein on December 22, 2023. To date, the parties have failed to resolve this matter.

### **COUNT I** **COPYRIGHT INFRINGEMENT**

24. Glynn incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Glynn owns a valid copyright in the Work at issue in this case.

26. Glynn registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. NCW copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Glynn's authorization in violation of 17 U.S.C. § 501.

28. NCW performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. Glynn has been damaged.

31. The harm caused to Glynn has been irreparable.

WHEREFORE, the Plaintiff BRYAN E. GLYNN prays for judgment against the Defendant NICK'S CIGAR WORLD, INC. that:

a. NCW and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. NCW be required to pay Glynn his actual damages and Defendant's profits attributable to the infringement, or, at Glynn's election, statutory damages, as provided in 17 U.S.C. § 504

c. Glynn be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Glynn be awarded pre- and post-judgment interest; and

e. Glynn be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Glynn hereby demands a trial by jury of all issues so triable.

Dated: 11/15/2024

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